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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,097	11/14/2003	Scott C. Harris	BARCODE-D1	9523
23844	7590	03/22/2006	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,097

Applicant(s)

HARRIS, SCOTT C.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 21-23, 28-31 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21-23, 28-31 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 30 January 2006.

Claim Objections

2. Claim 21 is objected to because of the following informalities: Replace "location" with -- location by scanning the additional scannable bar code --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21-23 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 21-23, the Examiner notes that it is unclear (vague/indefinite) how an email is formed by the limitations set forth in the claim. The Examiner notes that it appears the claims are not drawn towards forming an e-mail but are drawn to an e-mail with a barcode, and responding to the email by scanning/imaging the code, etc. It appears that the claims are drawn towards a method of responding to an email containing a barcode, not forming an email by imaging a barcode as set forth in the claims.

Re claim 42, the Examiner notes that it is vague/indefinite how decoding comprises receiving an email. For purposes of examination, the Examiner has interpreted the claims to mean an email is received, including a barcode image, and that the barcode image is decoded.

Appropriate clarification/correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 21-23 recite a barcode associated with an item for sale, that the communication is an email including an additional scannable bar code, and that a decision is an acceptance or rejection. The Examiner notes that such limitations were taught in the specification with regards to an event/time (such as a meeting: FIG. 5- 6) and not with respect to an item for sale. The Examiner notes that the embodiment directed towards a time/place of an event was not elected in Applicants response. As the teachings of an email with barcode acceptance/rejection was not described with respect to an item for sale, the claims are interpreted to contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), as the time the application was filed, had possession of the claimed invention.

Appropriate clarification/correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (US 2005/0246237).

Re claim 18, Hudetz et al. (US 2005/0246237) teaches a portable device with a barcode reader and display unit, sending information indicative of the barcode to a remote database and receiving and displaying on the device more information about the advertisement from the remote database (FIG. 1, 2, 7, 8 and paragraph [0067]). The Examiner has interpreted the computer as a portable device.

Hudetz is silent to the barcode reader being a camera/imaging device to obtain an image of the barcode.

The Examiner notes that different types of barcode readers such as laser based or imaging based (CMOS, CCD, etc.) systems are well known and conventional in the art. The Examiner notes it would have been obvious to use an imaging based barcode reader (interpreted as a camera/imaging system to obtain an image of the barcode) as well known and conventional

means to decode/read barcodes that provides less cost and less complexity than a laser based system.

Re claim 19, the limitations have been discussed above. An advertisement can be interpreted as associated with an item for sale, as is conventional in the art.

Re claim 38, the limitations have been discussed above.

Re claims 39-40, the Examiner notes that such different formats of barcodes are well known and conventional in the art. Their selection is obviated by needs such as information storage, compatibility, with a reading system, etc. (see below). One would have been motivated to choose such well know formats of barcodes (re claims 39-40) in order to comply with system constraints (readers ability for example) and to effect desired results of data storage and decoding.

6. Claims 21 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., as discussed above, in view of Knowles (US 6,622,917).

The teachings of Hudetz et al. have been discussed above.

The Examiner notes that Hudetz et al. teaches reading barcodes to access information as discussed above. Though silent to an email, the Examiner notes that it is well known and convention that barcodes can be sent by email/electronic communications.

Knowles teaches such limitations (FIG. 6A+).

At the time the invention was made, it would have been obvious to communicate electronically (email) in order to send such information remotely, as is conventional in the art, quicker and less costly than postal mail, and is easy for a user to receive and then access a website with.

7. Claims 28-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., as discussed above, in view of Paul, as cited in the previous Office Action.

Hudetz et al. is silent to the code containing first and second parts where the second part has more information than the first.

Paul et al. teaches a dual type barcode with a first part that is interpreted by a first bar code scanning process to obtain first information and a second part which is interpreted by a second bar code scanning process to obtain second information that has more information than the first information (abstract). Re claim 29, Paul et al. teaches a linear first part and non-linear second part (glyph which can include various types, col 4, lines 56+). Further, the examiner notes that it is well known and conventional to use non-linear barcodes for secondary encoded information in order to store more data, for example. Re claim 41, it has been discussed above that URL encoded barcodes are an obvious expedient to make accessing a website easier for a user. Accordingly, it would have been obvious to have different information encoded (as discussed above) to store more data. Therefore, storing a URL is seen as additional data, and therefore an obvious expedient to store more data in a barcode, where the data provides convenience to the user.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Swartz et al. with those of Paul et al.

One would have been motivated to do this to encode more information in a barcode.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al./Paul et al., further in view of Lemelson et al., as cited in the previous Office Action.

The teachings of Hudetz et al./Paul et al have been discussed above.

Hudetz et al./Paul et al. are silent to scanning in different directions.

Lemelson et al. teaches scanning in different directions (abstract).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Lemelson et al.

One would have been motivated to do this to provide a means to efficiently read out data, store a dense amount of data, and also be downwardly compatible.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al./Paul et al., further in view of Kaufman et al., as cited in the previous Office Action.

The teachings of Hudetz et al./Paul et al. have been discussed above.

Hudetz et al./Paul et al. is silent to second information being obtained from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Kaufman et al.

One would have been motivated to do this to have a barcode (colored) to provide robustness and reliability, reduced errors, alternative identification means, etc.

10. Claims 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672).

Tracy et al. teaches a portable terminal with a display where items for sale are scanned, information indicative of the barcode is sent to a central host and such information of the items is sent back and displayed to the user (FIG. 5 and FIG. 7A). Though silent to a camera/imaging means for reading barcodes, the Examiner notes that imaging means/cameras (CCD, CMOS,

etc). are well known and conventional in the art. One would have been motivated to use an image-based system in order to have a less complex and less expensive system than a laser based system. The Examiner also notes that though a database is not explicitly noted (a central host with information is), that it would have been obvious to organize the information about items in a database format for conveniently and organized storage and retrieval).

Re claim 38, the limitations have been discussed above.

11. Claims 28-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al., as discussed above, in view of Paul.

Tracy et al. is silent to the code containing first and second parts where the second part has more information than the first.

Paul et al. teaches a dual type barcode with a first part that is interpreted by a first bar code scanning process to obtain first information and a second part which is interpreted by a second bar code scanning process to obtain second information that has more information than the first information (abstract). Re claim 29, Paul et al. teaches a linear first part and non-linear second part (glyph which can include various types, col 4, lines 56+). Further, the examiner notes that it is well known and conventional to use non-linear barcodes for secondary encoded information in order to store more data, for example. Re claim 41, it has been discussed above that URL encoded barcodes are an obvious expedient to make accessing a website easier for a user. Accordingly, it would have been obvious to have different information encoded (as discussed above) to store more data. Therefore, storing a URL is seen as additional data, and therefore an obvious expedient to store more data in a barcode, where the data provides convenience to the user.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Tracy et al. with those of Paul et al.

One would have been motivated to do this to encode more information in a barcode.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Paul et al., further in view of Lemelson et al.

The teachings of Tracy et al./Paul et al have been discussed above.

Tracy et al./Paul et al. are silent to scanning in different directions.

Lemelson et al. teaches scanning in different directions (abstract).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Tracy et al./Paul et al. with those of Lemelson et al.

One would have been motivated to do this to provide a means to efficiently read out data, store a dense amount of data, and also be downwardly compatible.

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Paul et al., further in view of Kaufman et al.

The teachings of Tracy et al./Paul et al. have been discussed above.

Tracy et al./Paul et al. is silent to second information being obtained from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Hudetz et al./Paul et al. with those of Kaufman et al.

One would have been motivated to do this to have a barcode (colored) to provide robustness and reliability, reduced errors, alternative identification means, etc.

Response to Arguments

14. The Examiner notes that no arguments regarding the art-based rejections were provided in the Applicants Response. The Examiner has addressed the newly amended claims above.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Roxby et al. (US 5,585,616), Postman et al. (US 6,536,670), Lev et al. (US 2002/0102966), Du et al. (US 2005/0198095), Mault et al. (US 2002/0047867), Koenck (US 6,688,523), Swartz et al. (US 2005/0040230) which by its continuity data is believed to beat the date of this application for fetching of scanned data from a host, Gupta et al. (US 5,361,871), Swartz et al. (US 2002/0050526), and Wang (US 5,914,477).

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

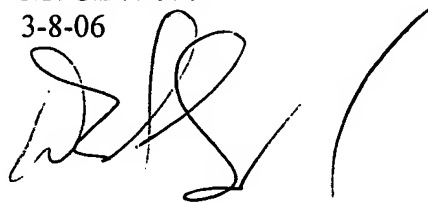
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh
Examiner
Art Unit 2876
3-8-06

A handwritten signature in black ink, appearing to be 'DW', followed by a long, sweeping horizontal stroke.